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EXHIBIT OR LATE FILED

September 3, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street NW
Room 222
Washington, D.C. 20554

(202) 434-4180
jarrett@khlaw.com

**RE: CC Docket No. 98-11, Emergency Petition of Bell Atlantic-West Virginia for
Authorization to End West Virginia's Bandwidth Crisis, CC Docket No. 98-11;
Ex Parte Presentation**

Dear Secretary Salas:

Pursuant to Section 1.1200 of the Commission's rules, this is to confirm that on September 2, 1998, Robert Fruchtermann of WorldCom, Richard Juhnke of Sprint, Frank Simone of AT&T, Lisa Smith of MCI, Ross Buntrock on behalf of Intermedia Communications, Inc., and the undersigned on behalf of Allegheny Connect Communications, Inc., met with Anna Gomez, Gregory Cooke and David Ward of the Network Services Division of the Common Carrier Bureau in connection with the above-captioned matter.

We reviewed the positions previously communicated in Comments and written submissions filed by these parties, the availability of DS-3 service from ICON, and provided certain additional information relative to ACC's commitment to establish high capacity infrastructure in West Virginia and between points in West Virginia and Pittsburgh, Pennsylvania. Copies of the handouts provided to the Commission staff persons are attached hereto.

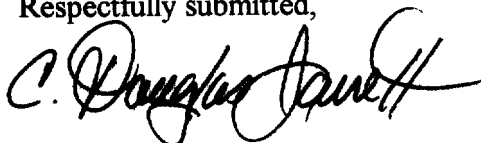
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04

Magalie R. Salas
September 3, 1998
Page 2

An original and one copy hereof is being filed with your office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Douglas Jarrett", written in a cursive style.

C. Douglas Jarrett

Enclosures

cc: Anna Gomez (Network Services Division)
Gregory Cooke (Network Services Division)
David Ward (Network Services Division)
Al McCloud (Network Services Division)
International Transcription Services, Inc. (ITS)

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Writer's Direct Dial No.

(304) 367-3423
July 10, 1998

Ms. Sandra Squire
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
P. O. Box 812
Charleston, WV 25323

**Re: Petition of Monongahela Power Company and
The Potomac Edison Company for Consent
and Approval to Enter Into Agreements with
Allegheny Communication Connect**

Dear Ms. Squire:

Enclosed for filing please find an original and twelve copies of a *Petition of Monongahela Power Company and The Potomac Edison Company for Consent and Approval to Enter Into Agreements with Allegheny Communication Connect*, a telecommunications company of Allegheny Power.

Sincerely yours,

*Original Signed By
Gary A. Jack*

Gary A. Jack
Attorney

GAJ:tmb

bc: John Flinko - Greensburg
Robert R. Winter - Greensburg

Patricia J. Clark - Greensburg
Tammy Ross/David Murphy

**BEFORE THE PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

**Petition of Monongahela Power Company and
The Potomac Edison Company for Consent
and Approval to Enter Into Agreements with
Allegheny Communications Connect.**

CASE NO. _____

PETITION

NOW COMES Monongahela Power Company ("Mon Power") and The Potomac Edison Company ("Potomac Edison"), doing business as Allegheny Power, (collectively "Petitioners"), and respectfully request the Public Service Commission of West Virginia ("Commission") grant approval for Petitioners to enter into agreements concerning fiber optic facilities, services and pole attachments with Allegheny Communications Connect ("ACC"), an exempt telecommunications company ("ETC") under the Public Utility Holding Act of 1935. In support of this Petition, the Petitioners respectfully state as follows:

1. Mon Power, doing business as Allegheny Power, is a public utility corporation organized and existing under the laws of the State of Ohio, provides retail electric service to customers in portions of West Virginia, and has its principal place of business at 1310 Fairmont Avenue, Fairmont, West Virginia 26555-1392. The financial condition of the Petitioner is set forth on Exhibit A hereto.
2. Potomac Edison, doing business as Allegheny Power, is a public utility corporation organized and existing under the laws of the Commonwealth of Virginia and the State of Maryland, provides retail electric service to customers

in portions of West Virginia, and has its principal place of business at 10435 Downsville Pike, Hagerstown, Maryland 21740-1766. The financial condition of the Petitioner is set forth on Exhibit B hereto.

3. ACC is a Delaware corporation and is an ETC under Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as added by Section 103 of the Telecommunications Act of 1996. Pub. L. No. 104-104-110 Stat. 56(1996).
4. Petitioners and ACC are wholly-owned subsidiaries of Allegheny Energy, Inc., a Maryland corporation and a registered holding company under the Public Utility Holding Company Act of 1935, 15 U.S.C. §79a et seq.
5. The Telecommunications Act of 1996 allows registered holding companies, who are regulated under the Public Utilities Holding Company Act, to market communications and related services to third parties. Many utilities own and operate their own internal telecommunications system which are necessary for utility uses. The U.S. Congress, in enacting the Telecommunications Act of 1996, directed the registered holding companies should be allowed to enter the national communications market and that consumers would likely benefit through lower prices and wider choice of service and options.
6. Mon Power seeks approval of a proposed Fiber Optic Agreement, attached hereto as Exhibit C, which will govern fiber optic facilities between Mon Power and ACC, including the leasing of fiber optic cable from Mon Power to ACC and the construction and maintenance of fiber facilities. Potomac Edison is not a party to this agreement because currently ACC has no need or desire to use or lease Potomac Edison's fiber optic facilities. Mon Power also seeks approval of a

second agreement between it and ACC to govern telecommunications, information and related services ACC may provide to Mon Power. Mon Power will not be offering any services to ACC. Likewise, Potomac Edison will not be giving or receiving any services from ACC. This service agreement and the Fiber Optic Agreement establish methodologies for determining payment for services, leasing, and other related expenses. Finally, both Petitioners request approval of a Pole and Tower Attachment License Agreement which would allow ACC to place telecommunications facilities on Petitioners' poles, towers and related supporting structures by paying the individual utility's most current rental rate that is offered to new attachees. (Such rental is much higher than what cable and incumbent attachees currently pay.) This License Agreement has not been implemented in West Virginia but has been in Pennsylvania for Petitioners' sister operating company, West Penn Power Company.

7. Mon Power's installed communication system that is the subject of these agreements and Petition consists primarily of fiber optic cables located as part of, and within, the static wires located on transmission towers and related facilities. Many of these fiber optic cables are underutilized or non-utilized (dark). ACC wishes to develop a significant amount of these fiber optic cables and may offer them to the public for communication needs. ACC will offer fiber capacity on a wholesale basis to telecommunication carriers and private line services who will, in turn, offer the service to industrial, institutional, government and related users. In addition, ACC will provide various telecommunication services and capacity

to Mon Power free of maintenance or operational charges, which will be to the benefit of West Virginia ratepayers.

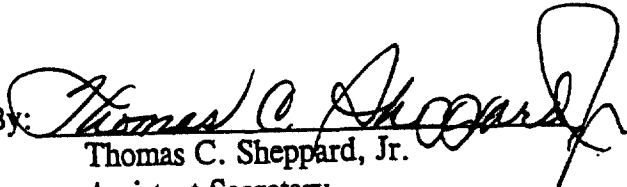
8. Petitioners request the Commission's consent and approval, to the extent necessary, pursuant to §24-2-12 of the West Virginia Code, which requires the Commission's approval for certain affiliate transactions, and the Public Utilities Holding Company Act, §34(i), which requires state approval of contracts between the public utility and an affiliated exempt telecommunications company for services and products provided by the ETC or waiver of that authority, to enter into the above-stated three (3) agreements.
9. Petitioners believe that the terms and conditions of the agreements are fair and reasonable, will not grant an undue advantage to any party to the transactions and that approval of these agreements as set forth herein is in the best interests of Petitioners' West Virginia customers. No other electric utility subject to the jurisdiction of this Commission will be affected by the agreements.
10. Petitioners further represent that no purpose will be served by the giving of formal notice or the conducting of a hearing concerning the approval sought herein and that customers served by Petitioners would be inconvenienced by the waiving of formal notice and hearing in regard thereto.

WHEREFORE, Petitioners request the Commission issue its consent and approval for the Petitioners to enter into said agreements with ACC concerning fiber optic facilities, services and attachments and to perform such other acts necessary in furtherance thereof.

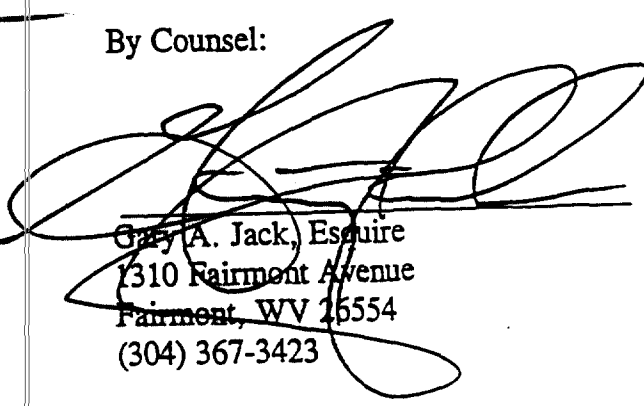
Dated this 10th day of July, 1998.

Respectfully submitted,

MONONGAHELA POWER COMPANY
THE POTOMAC EDISON COMPANY

By: 
Thomas C. Sheppard, Jr.
Assistant Secretary

By Counsel:

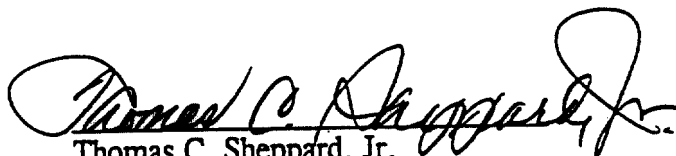

Gary A. Jack, Esquire
1310 Fairmont Avenue
Fairmont, WV 26554
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VERIFICATION

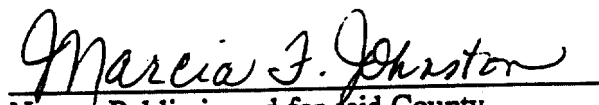
STATE OF WEST VIRGINIA,

COUNTY OF MARION, TO WIT

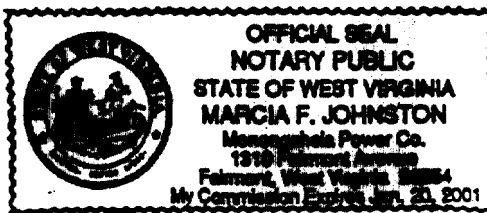
Thomas C. Sheppard, Jr., Assistant Secretary, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that, so far as they are therein stated to be on information, he believes them to be true.


Thomas C. Sheppard, Jr.

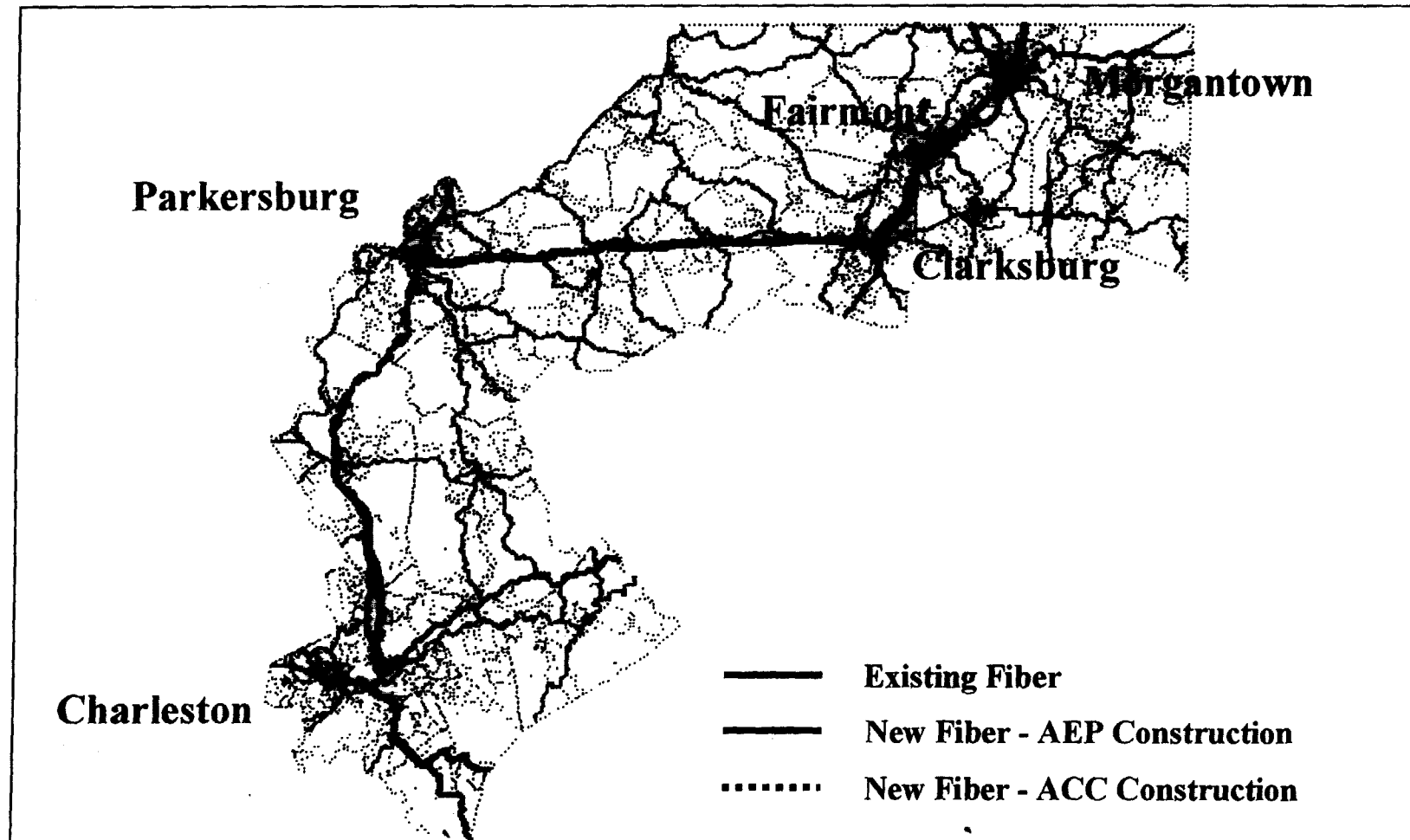
Taken, sworn to and subscribed before me this 10th day of
July, 1998.


Notary Public in and for said County

My commission expires 1-20-2001.



WVA Fiber Network

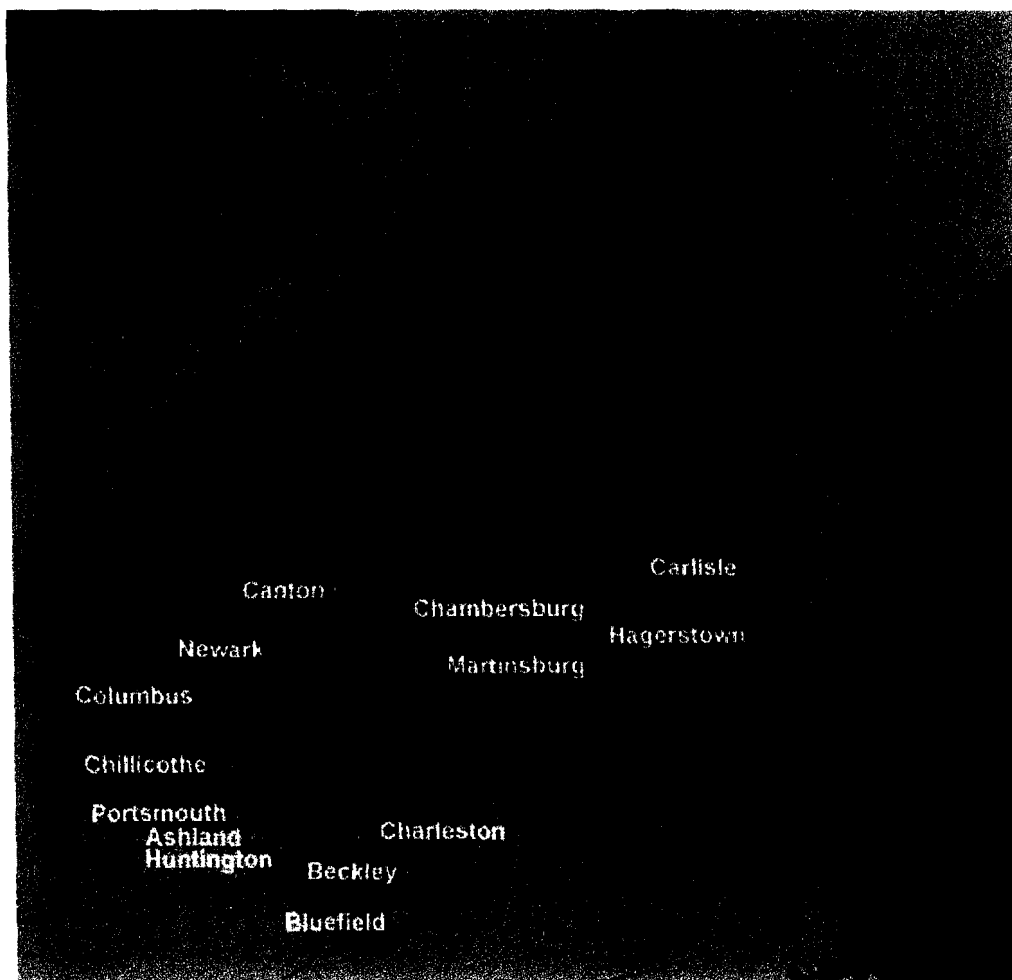


Requirements WVA Buildout

- **File in WVA to Lease Fiber Assets from Monogahela Power**
 - Petition to be filed this week
- **Construct Missing Links of Fiber**
 - Parkersburg to Ripley - ACC Fiber
 - Ripley to Charleston - AEP Fiber
 - Rivesville to Price Hill - ACC Fiber
 - Pierpont to Morgantown - ACC Fiber
- **Proceed with legal filings**
 - FCC and state tariffs
 - Certificates of Public Convenience
- **Establish Network Monitoring Facilities**
 - Purchase electronics
 - Establish network monitoring function
- **Sign Interconnection Agreements**
 - AEP and ACC



ValleyNet Inter-Network Service Map



[Back to Main Map](#)

Designed by

BITS



Last modified: Tuesday, 28-Apr-98 18:00:26 EDT